IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5622 of 1988

For Approval and Signature:

Hon'ble MR.JUSTICE P.B.MAJMUDAR

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1. Whether Reporters of Local Papers may be allowed to see the judgement? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

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HJ PUROHIT

Versus

COTTON CORPORATION OF INDIA LTD

Appearance:

MR GIRISH PATEL for the Petitioner.

MR DC DAVE for Respondent No.1.

CORAM : MR.JUSTICE P.B.MAJMUDAR

Date of decision: 28/08/2001

ORAL JUDGEMENT

1. The petitioner has challenged the transfer order, by which he is transferred from Ahmedabad to Indore on the ground that the said transfer was contrary to the Settlement arrived at between the Management and the Union under Section 2(p) of the Industrial Disputes Act. It is required to be noted that since 1988, the matter is pending and there is a stay against the transfer order.

Considering the long delay, now, obviously, the original cause of action cannot be said to be still in existence and Mr.Dave, for the Corporation, says that the Corporation will not be implementing the transfer order looking to the passage of time and, therefore, now, this petition is not required to be entertained.

2. It is clarified that if there is any further order in future, it will be open for the petitioner to challenge the same in accordance with law. The petition is disposed of as having become infructuous and considering the statement of Mr.Dave. Rule is accordingly discharged with no order as to costs.

28th August, 2001 (P.B. Majmudar, J.)

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(apj)